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8 UNITED STATES DISTRICT COURT  
9 DISTRICT OF NEVADA  
10

11 CHARLES LANE, III,  
12 Petitioner,  
13 v.  
14 DWIGHT NEVEN, et al.,  
15 Respondents.  
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Case No. 2:14-cv-00794-APG-PAL

**UNOPPOSED MOTION FOR  
EXTENSION OF TIME TO FILE  
REPLY TO ANSWER**

(Third Request)

17 Petitioner, Charles Lane, by and through counsel, C.B. Kirschner, Assistant  
18 Federal Public Defender, moves this Court for an extension of time of seven (7) days  
19 from May 4, 2017, to and including May 11, 2017, to file a Reply to Respondents'  
20 Answer to the Amended Petition for Writ of Habeas Corpus. This motion is based  
21 upon the attached points and authorities and all pleadings and papers on file  
22 herein.  
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## POINTS AND AUTHORITIES

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2 1. Charles Lane filed his pro se Petition for a Writ of Habeas Corpus on  
3 May 15, 2014. ECF No. 1-1. On July 14, 2015, Mr. Lane, through counsel, filed an  
4 Amended Petition. ECF No. 12. Respondents filed an Answer to the Amended  
5 Petition on December 19, 2016. ECF No. 28. Mr. Lane's Reply to Respondents'  
6 Answer is currently due May 4, 2017. Mr. Lane now requests an additional seven  
7 (7) days to file his Reply, until May 11, 2017. This is the third request for an  
8 extension of time.

9 2. The additional period of time is necessary in order to effectively  
10 represent Mr. Lane. This motion is filed in the interests of justice and not for the  
11 purposes of unnecessary delay.

12 3. Counsel was out of the office for several days last month due to illness  
13 and for personal business. Counsel will again be out of the office attending a  
14 previously scheduled CLE seminar on May 4<sup>th</sup> and May 5<sup>th</sup>.

15 4. Additionally, a time-critical matter unexpectedly arose in another  
16 habeas case, *Melonie Sheppard v. Jo Gentry*, state case number CR03-0502B,  
17 federal case number 3:14-cv-00059-MMD-VPC. The state district court issued a  
18 final order on April 12, 2017. Counsel is/was up against a 30-day immovable  
19 deadline to resolve this matter, which required extensive negotiations with the  
20 State, arrangements with the court, and a trip to the state correctional facility to  
21 meet with client.

22 5. On May 2, 2017, Deputy Attorney General Matthew Johnson was  
23 contacted via email and stated that he did not object to the extension, but the lack  
24 of objection should not be construed as a waiver of any issues or defenses.  
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1           6.       For the above stated reasons, Petitioner respectfully requests this  
2 Court grant the request for an extension of time of seven (7) days and order the  
3 Reply to be filed on or before May 11, 2017.

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5           Dated this 4<sup>th</sup> day of May, 2017.

6                               Respectfully submitted,  
7                               RENE L. VALLADARES  
8                               Federal Public Defender

9                               /s/ C.B. Kirschner  
10                              C.B. KIRSCHNER  
11                              Assistant Federal Public Defender

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13                              IT IS SO ORDERED:

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15                                
16                              UNITED STATES DISTRICT JUDGE

17                              DATED: 5/8/2017  
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